

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant(s):	Asaf Atzmon	Examiner:	Bantamoi, Anthony
Serial No.:	10/632,942	Group Art Unit:	2609
Filed:	07/31/2003		
Title:	System and Method for Multicasting Events of Interest		

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**ARGUMENTS FILED IN SUPPORT OF**

**PRE-APPEAL BRIEF REQUEST FOR REVIEW**

Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

Sirs/Madams:

The following arguments are submitted in support of the attached: (1) Notice of Appeal, and (2) Pre-Appeal Brief Request For Review, in response to a Final Office Action dated December 23<sup>rd</sup>, 2008. A response to the Final Office Action was due by March 23<sup>rd</sup>, 2009. Applicant is concurrently filing a Petition for a 2-Month Extension of Time, including the required fee. Therefore, a response is due May 23<sup>rd</sup>, 2009. Accordingly, this communication is being timely filed. Applicant respectfully requests the Panel's relief from the Examiner's erroneous rejections of pending claims 1-52.

**ARGUMENTS**

It is Applicant's position that the Examiner has erroneously rejected all the pending claims of the present Application based on either: (1) a misinterpretation of the cited reference; and/or (2) improper inferences of teachings within the cited reference, which inferred subject matter is neither taught nor suggested in the cited prior art. More specifically, in the Final Office Action, the Examiner rejected claims 1-5, 8, 10, 17-19, 23-24, 27-31, 34, 36, 43-45 and 49-50 under 35 U.S.C. § 102(b), as being anticipated by Fritsch (U.S. Patent Publication 2002/0124258), (hereafter "**Fritsch**"). Applicant respectfully traverses these rejections in view of the fact that independent claims 1 and 27 both contain

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limitations neither taught nor suggested in the cited reference. More specifically, independent claims 1 and 27 of the present Application recite limitations pertaining to a method and system for **detecting an occurrence of an event of interest within a received media stream** and **multicasting that event of interest** upon its **detection**. Whereas, the cited reference teaches a method and system for delivering media programs on demand or near on-demand or live and **allowing subscribers to control the flow of media content to their device** and to **unicast** the media content requested accordingly. The cited reference fails to teach or suggest **detection** of an event of interest **within the media stream** and **multicasting** that event of interest to subscribers.

Please note, the relied upon portions of the cited reference describing figures 4 and 5 (column 7 line 31 through column 9 line 5), which the Examiner pointed to in support of his 102 rejection of independent claims 1 and 27 teach as follows:

*“FIG. 4 is a block diagram of a media delivery center 400 according to one embodiment of the invention. The media delivery center 400 represents the principal, centrally-located components of the media system. The media delivery center 400 includes a media receiving unit 402 that receives incoming media content from various media sources... The media delivery center 400 also includes a media management unit 404. The media management unit 404 receives the digital media content from the media receiving unit 402 and serves to manage the delivery and storage of the media content through use of a media management system 405... FIG. 5 is a flow diagram of client-side delivery control processing 500 according to one embodiment of the invention. The client-side delivery control processing 500 is, for example, **performed by a client machine**, such as the client machines 164 and 166 illustrated in FIG. 2... **At the client device**, a user (e.g., subscriber) of the client device is **able to interact with the client device to request various operations**. These operations include, for example, **pause, resume, golive, and instant replay**. **For example, the user of the client device can request such operations by depressing a button, by a voice command, or by other means.***

*Following the operation 502, a decision 504 determines whether a pause has been requested... Following the operation 518, as well as directly following the decision 516 when the golive operation has not been requested, **a decision 520 determines whether an instant***

*replay operation has been requested. When the decision 520 determines that an instant replay operation has been requested, then an instant replay request is sent 522 to the server."*

To summarize, the cited reference teaches:

- a) User initiated control of media stream operation ("*for example, pause, resume, golive, and instant replay*")
- b) User interaction with the device on the user's side ("*by depressing a button, by a voice command, or by other means*").
- c) User's request sent to the server ("*then an instant replay request is sent 522 to the server.*").

Whereas, Independent claims 1 and 27, respectively, recite:

- 1. A method for multicasting an event of interest, the method comprises the steps of:  
**detecting an occurrence of an event of interest within a received media stream;**  
and  
**multicasting at least one media stream of interest that comprises the event of interest.**
- 27. A system for multicasting an event of interest, the method comprises the steps of:  
means for **detecting an occurrence of an event of interest within a received media stream;** and  
**means for multicasting at least one media stream of interest that comprises the event of interest.**

As evident from a reading of the cited reference, when compared to pending independent claims 1 and 27, the cited reference neither teaches nor suggests the limitations of pending independent claims 1 and 27. Applicant wishes to point the Panel's attention to the following elements notably absent from the cited reference. The cited reference neither teaches nor suggests "**detecting an occurrence of an event of interest within a received media stream; and multicasting...the [detected] event of interest**". (as recited in pending independent claims 1 and 27). Conversely, the cited reference teaches that "**a decision 520**

[that] determines whether an instant replay operation has been requested. When the decision 520 determines that an instant replay operation has been requested.”. As shown, the cited reference neither teaches nor suggests the limitations pertaining to **detecting occurrences**, But rather teaches delivering programs to the subscriber upon receipt of a **request by the subscriber**. Furthermore, the request is not detected on a “**received media stream**”, but rather on a **control signal**.

It would appear that the Examiner has confused detection of an event of interest within the media stream (as recited in the pending independent claims), with determining that a media control operation, i.e. pause/instant replay/etc., has been requested by the user over a control channel (as taught by the cited reference). The Examiner has creatively chosen to refer to these media control operations requested by the user as “events of interest”, in his attempt to establish the equivalence with the current Application. Applicant respectfully asserts that the two discussed functions are patentably distinct, and in reality, completely different functions. The pending claim limitations pertain to detection of an event that **objectively literally occurs within the media stream**, irrespective of the subscriber’s actions, and multicasting the event **to all relevant subscribers**. In contrast, the cited reference teaches **user initiated control** of a media stream, irrespective of any objective occurrence within the media stream, and unicasting accordingly to said **specific user’s** device.

In other words, the claims of the present Application are directed to generation of a “**multicast**” stream (steps and elements associated with a broadcaster), whereas the cited reference teaches a client side invoked method associated with the selection of content for presentation on the client side device.

Accordingly, Applicant respectfully asserts that anyone of ordinary skill in the art reading the cited reference in light of the pending Application, would immediately notice the aforementioned fundamental differences between the two teachings. An adequate reading of the cited reference should lead anyone of ordinary skill in the art to understand that the cited reference is clearly insufficient as a prior art reference for establishing a 102 rejection.

Applicant respectfully asserts that in light of the above clarifications, it should be clear that independent claims 1 and 27 cannot be anticipated (35 USC 102) by the cited

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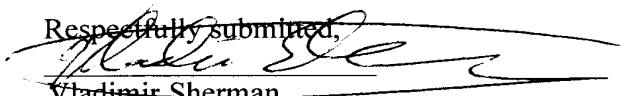
reference, and Applicant respectfully requests the Panel's relief from the Examiner's erroneous 102 rejections of independent claims 1 and 27 and all claims dependent upon them.

In addition, the Examiner rejected claims 6-7 and 32-33 under 35 U.S.C. § 103(a), as being unpatentable over Fritsch (U.S. Patent Publication 2002/0124258) in view of Lee et al (U.S. Patent 6,414,914). The Examiner also rejected claims 9, 20, 35 and 46 under 35 U.S.C. § 103(a), as being unpatentable over Fritsch (U.S. Patent Publication 2002/0124258) in view of Gordon et al (U.S. Patent 6,253,375). The Examiner also rejected claims 11-13, 15, 21-22, 25, 37-39, 41, 47-48 and 51 under 35 U.S.C. § 103(a), as being unpatentable over Fritsch (U.S. Patent Publication 2002/0124258) in view of Gorbatov et al (U.S. Patent 6,792,617). The Examiner also rejected claims 14, 16, 40 and 42 under 35 U.S.C. § 103(a), as being unpatentable over Fritsch (U.S. Patent Publication 2002/0124258) in view of Barton et al (U.S. Patent Publication 2005/0216942). Finally, The Examiner rejected claims 26 and 52 under 35 U.S.C. § 103(a), as being unpatentable over Fritsch (U.S. Patent Publication 2002/0124258) in view of Lawler et al (U.S. Patent 5,699,107).

Applicant respectfully traverses the rejections of claims over Fritsch (U.S. Patent Publication 2002/0124258) in view of the above stated secondary references, in light of the fact that all claims rejected under 35 U.S.C. § 103(a) are considered allowable by virtue of their dependence on allowable base claims 1 and 27, as established above in the remarks and arguments regarding rejection of claims under 35 U.S.C. § 102(b) over Fritsch (U.S. Patent Publication 2002/0124258).

Accordingly, Applicant respectfully requests the Panel's relief of the Examiner's erroneous rejections of all pending claims.

Respectfully submitted,

  
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